

Indiana Election Division

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ELECTION

The Newsletter of the Indiana Election Division
2003 Spring Edition

Express

Military Voters and Overseas Voters: New Absentee Procedures and New Extended Registration Procedures:

Beginning in 2003, military and overseas voters can both receive and return their absentee ballots by FAX. These voters must fill out special absentee ballot applications, in which the voter waives the right to a secret ballot in return for the ability to have the ballot returned by FAX in time to be counted on election day.

Certain military voters who return to Indiana after registration has closed are also able to register after the usual deadline and (if they register after the poll lists are printed) vote by absentee ballot in the clerk's office by noon on election day.

If you'd like to know more about these new absentee and registration procedures, there's detailed information for both military and overseas voters (as well as county election administrators) available on the Election Division's web site: http://www.in.gov/sos/elections/OS_info.html.

We know that you will do your best to assist military voters and their families as they defend our freedoms, including the right to vote!

Carolyn Horwitz has left... Welcome Back to Michelle Brzycki

Carolyn Horwitz is leaving as a Voter Registration and Precinct Mapping Coordinator in our office to take a position with the Indiana State Democratic Party. Although Carolyn was with us a short time, she joined the Election Division at an incredibly busy time and handled the various projects given her with alacrity. We thank her for her public service and wish her well in her new position.

We are also pleased to announce Michelle Brzycki, commonly known as Shell, has returned to her position as Voter Registration and Precinct Mapping Coordinator. Please help us in welcoming back Shell and do not hesitate to contact her with any voter registration or precinct questions or needs. You can contact her at phone number 317-232-3939 or by e-mail at mbrzycki@iec.state.in.us.

Reduced Hours for Absentee Voting Available – Ask Your County Election Board!

Indiana Code 3-11-10-26.5 (see pages 343-344 of the 2002 Election Code book) permits your county election board to reduce the hours required for absentee voting in a municipal primary. **This state law gives your county total discretion regarding the hours for providing “in office” absentee voting, so long as you follow some very straightforward procedures.**

The first step is to call a meeting of the County Election Board to consider a resolution to set “in office” absentee voting hours. The usual Open Door Law public notice requirements apply to this meeting, just like any other County Election Board meeting. It does not require a legal notice of any kind in a newspaper.

The next step is to present this resolution to the Board. The resolution must contain the following information or statements: (1) You must list the specific days and hours that you propose to be open for in office absentee voting; (2) You must list the number of absentee ballot applications you expect to receive in this election. Your records from May 1995 and May 1999 may help with this requirement; (3) You must state the expense you would incur by having in office absentee voting during the entire 29 days before the May 2003 primary, including the two Saturdays immediately before the primary. You can calculate this by looking at the hourly rate for your absentee board members; (4) That the voters will “experience little or no inconvenience” by restricting in office absentee voting to the days and hours listed in the resolution.

Finally, the Resolution must pass with all three County Election Board members voting to support it. This vote and the Resolution must be set forth in your Board minutes.

That’s it! With a little work, you can have both convenience in absentee voting, but at a significant savings in election costs. It’s up to you!

Now There’s “No Excuse” for Absentee Voting “in person” at the Clerk’s Office

Beginning with the 2003 Municipal Primary, any voter who wants to vote by absentee ballot can do so in person at the Clerk’s office before election day, without stating any specific “excuse” or reason for voting absentee. However, if a voter requests an absentee ballot to be sent through the mail, or be delivered by a traveling board, then the voter must still state a reason on the absentee ballot application. Take a look at the new ABS-1 form we distributed at the December 2002 conference. This form is also available on our website at www.in.gov/sos/elections/voters/index.html. You’ll see the usual list of reasons underneath the left column, which is filled out by voters asking for ballots to be mailed, but you won’t see that list of reasons in the center column of the form, which is filled out by voters voting in the Clerk’s office. If you have questions about these new procedures or form, please call us.

NEWS FROM THE "GOOD OLD DAYS"

Thanks to John Williams of Shelby County for this account of the 1823 election: "William Williamson was one of the first candidates for Johnson County clerk. He brought barrels of whiskey to one of the two polling places on election day, March 6, 1823. He send out runners on county trails to tempt the voters to come to the polls. A brawl ensued, including, according to one report "fighting, gouging, (and) biting." Williamson lost the election to Samuel Harriott."

Voter Registration Form Sale! Our Lowest Prices Ever!

It's true, we do have a tremendous number of voter registration application forms on heavy card stock at our warehouse available to ship to you upon request. Due to changes in federal law (yes, the Help America Vote Act, or HAVA), we anticipate that we will need to revise at least some varieties of our voter registration forms by 2004. As a result, we want to use up as many of our current forms as possible during the municipal elections this year. Although this is not the normal policy, we do not want to have all these forms go to waste! If you would like to order these forms from us, please call the Election Division and ask for Candy Mays, or simply fax us your order on the IEC-9 form. One smaller county has already ordered 2000 of these forms from us, so don't be shy. (And since we never charge for the forms, you will get our lowest price ever!)



USING THE "OFFICIAL ELECTION MAIL LOGO" ON YOUR VOTER REGISTRATION AND OTHER ELECTION MAILINGS

The "Official Election Mail" logos and usage guidelines are available on the United States Postal Service's BrandVault online digital archive. In general, the "Official Election Mail" logo must be used only on official election mail, and may not be used on partisan mailings. To access the "Official Mail" logo and guidelines, go to <http://usps.brandguard.com>. Click the "ACCESS REQUEST" link. Complete and submit the required form. You should receive a username and password within two business days, and can access and order Official Election Mail logo material from this site.

As we've noted in earlier newsletters, the "Official Election Mail" logo is a great way to call attention to important mailings from your office to your voters, so that absentee, voter registration, and other election mailings, aren't lost among the flood of "junk mail" that many people receive.

“Split Precincts”: How to Avoid an Election “Paper Cut”

If your county is conducting a primary in some cities (and some large towns) you may have a special challenge as part of the May and November 2003 elections: the city council district lines, which in most cities were redrawn by city council ordinances at the end of 2003, may not match the voting precinct lines, which are established by the County Commissioners, subject to state approval. Or to put it another way, you may have voting precincts which are partly in one city council district, and partly in another city council district.

If the city council or town council seats are elected “at large”, meaning all the voters of the city or town vote for this nomination or office, then there’s no problem to worry about as far as the voters are concerned.

However, if only the voters who live within that council district vote for the nomination or office, then you have a “split precinct”. Some voters in Precinct A are entitled to vote for candidates in City Council District 1, while other voters in Precinct A are entitled to vote for candidates in City Council District 2. (In many counties, these “split precincts” also occur where school corporation lines don’t match voting precinct lines, so you may be familiar with this problem from previous election years.)

How do you make sure that each voter in Precinct A gets the “right” ballot, which lists only the candidates that the voter is entitled to vote for? There are several steps you can take before election day to ensure this:

- § Make sure that your voter registration record for each voter has been updated to reflect the current city council district for that voter. This is required under IC 3-7-26-7(5), which requires voter registration records to include “ward” information, if applicable. You may wish to contact your voter registration vendor if you are uncertain how to make these changes in your system.
- § Make sure that your precinct election board can tell which ballot style to provide to each voter in the precinct. One way to do this is to have the council district information for the voter printed on the poll list. (Some counties in the past have even marked this information on the poll list by hand.) But the critical point is to make sure that your poll workers can give each voter the correct ballot, and they need accurate information from you to be able to do this!
- § Training, training, training. If you know that you will have split precincts, make certain to explain this to poll workers at their training. You may also want to add or revise your written instructions to address this. To the extent you can, you may want to assign your best poll workers to your split precincts.

It’s vitally important to prevent ballot distribution problems in split precincts. The “worst case scenario” can be a court-ordered special election after the May primary. This can occur if a ballot distribution mistake happens in a split precinct, and a losing primary candidate files a lawsuit to contest the election. If the candidate lost by fewer votes overall than the number of ballots distributed by mistake in a precinct, then a court-ordered special election is likely.

But don’t fret! You can act now to reduce the chance of any error of this sort happening at the May primary (or in November 2003)!

FORM FORUM

DID YOUR ABS-6 ENVELOPE CAUSE YOU PROBLEMS?

A county has reported to us that before last November's general election, they had several ABS-6 (Absentee Ballot Security Envelopes for Mailing Ballots), which are pre-addressed to the County Election Board, returned instead to voters by the US Postal Service due to a problem with the address layout on the form. If you had a similar problem reported to you regarding these envelopes, please contact our office. It may indicate a need to redesign this form, or it may be an isolated problem experienced by a county's precinct vendor. In either case, we'd appreciate any suggestions or information you may have.

CORRECTED PETITION FORM FOR INDEPENDENT AND MINOR PARTY CITY AND TOWN CANDIDATES

Just a reminder that last month we sent a corrected CAN-44 petition form to all circuit court clerks. This is the form used by independent candidates and third party candidates (other than Libertarians) to petition to be placed on the November 2003 municipal election ballot.

This revised form corrects a typographical error in the instructions in the previous version of this form. The deadline for filing a CAN-44 form with county voter registration offices for processing is noon, June 30, 2003 (not July 1).

The Indiana Election Commission ordered that this form revision take effect immediately (March 6, 2003), but provided that any previous versions of this form with the incorrect "July 1" date in the instructions could be used by petitioners for this year. However, all CAN-44 forms must be filed by the noon, June 30, 2003 date. We apologize for this error and any inconvenience.

REVISED MUNICIPAL ELECTION EXPENSE WORKSHEETS

We've included the revised versions of the city and town election year election expense worksheets for county election boards and county auditors with this newsletter. These were formerly known as "County Forms 151 and 152".

In recent discussions with the State Board of Accounts, we learned that these worksheets are not state prescribed forms, so you can use these new versions as guides to assist in determining how to bill your cities and towns for these costs after the November 2003 elections are over. Of course, if you entered into an agreement with your cities and towns that specifies how much the city or town will pay for services this year, you would be bound by the terms of that agreement, rather than the amount calculated on this worksheet.

When you use these worksheets, please note that there have been several changes in state law since the last version of this worksheets were prepared. For instance, the city or town's share of certain election costs is not based on the most recent vote for secretary of state any longer. Instead, the city or town's share is based on the total number of votes cast in all city and town elections held in the county in November 2003. (See Indiana Code 3-5-3-9, for example).

You can also find these worksheets on our web site at <http://www.in.gov/sos/elections/workers/index.html>.

DECEMBER 2002 CONFERENCE SURVEY RESULTS

We appreciate your willingness to respond to all of the surveys and reports that this office sends to you, and we think it is important to share the results of these surveys with you. Here's what you said in response to the survey we distributed at the December 2002 Election Administrator's Conference. A total of 123 individuals responded.

(1) Is this the first state Election Administrator conference you attended?

YES 14% NO 86%

(2) Was the conference registration and sign-in efficient and orderly?

YES 97% NO 1% NO RESPONSE: 2%

(3) Were your hotel room, the conference facilities, and meals satisfactory?

YES 90% NO 2% NO RESPONSE: 8%

(4) Were the materials in your packet helpful in understanding the presentations?

YES 91% NO 1% NO RESPONSE: 8%

(5) Were the speakers knowledgeable about their subject matter?

YES 95% NO 0% NO RESPONSE: 5%

(6) Was the material presented in an understandable format?

YES 98% NO 0% NO RESPONSE: 2%

(7) Were your questions answered adequately?

YES 80% NO 0% NR: 20%

(8) Did you receive enough information during the conference?

YES 79% NO 9% NR: 12%

(9) Please rank the following sessions from 5 (most informative) to 1 (least informative).

Total Scores (not percentages)

General Sessions

- 94 The "Help America Vote Act"
- 93 Review of Small Town Elections
- 93 What County Election Boards Do and How They Do It
- 86 Voter Registration Administration
- 79 Elections in the Big City: A Review of City and Large Town Elections
- 74 The Absentee Voting Process
- 68 Questions and Answers by the Co-General Counsels
- 67 Disabled Voters

Breakouts (smaller attendance)

- 70 Breakout: Polling Place Issues
- 62 Breakout: Campaign Finance Administration for a County Election Board
- 52 Breakout: Basic Election Administration: An Introduction or Refresher

(10) What topics you would like us to cover in more depth next time?

Overseas voters; poll worker recruitment and training; recounts and contests; absentee voting; voter registration issues, CFA forms, HAVA statewide voter file; ballot layout; potential problems.

(11) If you are able, do you plan to attend the next conference?

YES 91% NO 0% NR: 9%

We also appreciated the many specific compliments, concerns, and suggestions that you shared, and will keep them in mind as we plan to make the December 2003 Conference the best ever. We hope to be able to announce the dates and location for the December 2003 Election Administrator's Conference later this year (perhaps in June).



QUESTIONS OF THE MONTH

Q: We are not having a primary for either major party in a city or town in our county. Does voter registration close in our county?

A: No. In that situation, since there is no primary at all in any city or town, there would be no requirement that voter registration close before the primary. However, if any city or town in your county will have a primary, voter registration would be closed in the county ending on April 7 and beginning on May 20.

Q: We are not having a primary for either major party in a city in my county. Do candidates for city offices in that city have to file the "pre-primary" campaign finance report this month?

A: No. In that situation, since there is no primary at all, there would be no requirement for these candidates to file. However, regular party committees and political action committees are required to file the April 2003 report in any case.

*Q: What if only one party is having a primary in a city, and the other party is not? Do **all** candidates for city offices in that city have to file the "pre-primary" campaign finance report this month?*

A: Yes, to be safe. The law concerning candidate campaign finance filings in this case is not entirely clear. However, since it is up to the county election board to enforce campaign finance filing requirements, our advice to candidates has been that there is no harm in filing an April 2003 report, even if your party is not conducting a primary. That way if your county election board takes the position that your committee must file the April 2003 report, you are in compliance. Since the state law in this area is unclear, this office may ask the legislature to address this issue in future years.

Q: If a candidate was defeated in the May 2002 primary, the November 2002 general election, or the May 2003 city primary, is the candidate required to close out the campaign finance committee?

A: No. A defeated candidate is not required to close the candidate's committee. However, if the candidate's committee remains open, the committee must comply with all campaign finance report filing requirements as long as the committee remains open.

Q: If a voter has obtained a restraining order against another person, is that voter's registration information automatically confidential under the Attorney General's address confidentiality program?

A: No. Although having a restraining order issued is a qualification for this program, the voter must apply to, and be accepted by the Attorney General, before being accepted into the program. The Attorney General would then notify the county that the voter was now part of the address confidentiality program, and that the voter's registration should then be "flagged" by the county so that this information would not be disclosed to the public.

VRG 4/12 in a Municipal Election

The VRG 4/12 is used differently in a municipal election year than in a general election year. In general election years the VRG 4/12 is used to allow a voter to vote in the precinct where the voter formerly resided in two basic circumstances: 1) the voter has moved from a precinct within Indiana to another precinct within Indiana within the last 30 days before the election; 2) the voter has moved within the same county and the same congressional district regardless of when the voter moved. To help explain the application of the VRG 4/12 to municipal elections, we will refer to the first circumstance as the “30-day rule,” and the second circumstance as the “county-congressional district rule.”

30-day Rule

A voter who has moved from a precinct in a city or town *within the last 30 days before the election* to another precinct in Indiana may return to the voter’s *former precinct* in the city or town to vote in the city or town election (if the city or town is having an election) by signing a VRG 4/12. The voter would check box one on the VRG 4/12. This 30-day rule does not apply to a person who has moved from a precinct that is outside of a city or town (in an unincorporated area) to a precinct inside a city or town. This is because there is no municipal election in the voter’s former precinct.

Example 1: A voter moved from the north side of Bedford to the south side of Bedford within the last 30 days before the election. The voter may return to the voter’s former precinct on the north side of Bedford and vote by signing a VRG 4/12.

Example 2: A voter moved from Frankfort to a farm in an unincorporated area in Clinton County within the last 30 days before the election. The voter may return to the voter’s former precinct in Frankfort and vote by signing a VRG 4/12.

Example 3: A voter moved from Fort Wayne to Indianapolis within the last 30 days before the election. The voter may return to the voter’s former precinct in Fort Wayne and vote by signing a VRG 4/12.

County-Congressional District Rule

A voter who moved from a precinct in a municipality to another precinct in the same municipality, *and* in the same county and congressional district, may vote by signing a VRG 4/12. This voter does not have to move within 30 days of the election. The voter would check box two on the VRG 4/12.

Example 1: A voter moved from one part of Muncie to another part of Muncie 9 months before the election. Since Muncie is entirely within Delaware County and entirely within the 6th congressional district, the voter may return to the voter’s former precinct in Muncie and vote by signing a VRG 4/12.

Example 2: A voter moved from one precinct in Bloomington to another precinct in Bloomington 6 months before the election. Even though the voter moved within Bloomington, the voter moved from the 9th congressional district to the 4th congressional district. The voter may not return to the voter’s former precinct in Bloomington and vote because the voter has crossed a congressional district line.

Example 3: A voter moved from an unincorporated area in Vanderburgh County into Evansville 6 months before the election. Even though the voter moved within the same county (Vanderburgh County) and the same congressional district (8th congressional district), the voter may not return to the voter’s former precinct in the unincorporated area to vote.

Example 4: A voter moved from Merrillville to an unincorporated area in Lake County 6 months before the election. Even though the voter moved within the same county (Lake county) and the same congressional district (1st congressional district), the voter may not return to the voter’s former precinct in Merrillville to vote.

Who's Who in the Election Division

Name: **Kerrie Cobb**

Position: Executive Assistant

Hometown County: Vigo

Current County: Hendricks

Children (and ages): Two gorgeous girls Kirsi, 5 and Alandria, 10

Favorite Indiana location: Brown County which is so peaceful, beautiful, and relaxing

How long it takes me to get to work: 45 minutes

How long I have been at the Election Division: almost 2 years

Fun Fact about myself: I have a degree in Criminology and volunteer for Sheltering Wings Women's Shelter. Also, I am very excited about visiting Washington DC April 25th.

Name: **Michelle "Shell" Brzycki**

Position: Voter Registration and Mapping Coordinator

Hometown County: Lake/Porter

Current County: Marion

Children (and ages): I'm pregnant! First baby due late summer!

Favorite Indiana location: Indiana Dunes

How long it takes me to get to work: 5 minutes

How long I have been at the Election Division: On and off since October 1, 2000

Fun Fact about myself: Kerrie Cobb is one of my best friends! I also just started wearing maternity clothes.

Name: **Brad King**

Position: Co-Director

Hometown [and] County: Omega, Hamilton County

Current County: Marion

Children (and ages): None, but I have a 14 year old housecat, Angelica, who thinks she's a child.

Favorite Indiana location: There's a seven-way tie: my grandfather's farm in Omega; Woodruff Place in Indianapolis; Bloomington; New Harmony; St. Meinrad; Madison; Lake Wawasee; any place that serves big huge tenderloins.

How long it takes me to get to work: usually 5 minutes, but with all the road construction...

How long I've been at the Election Division: since 1992, except for a two and a half year "vacation" as State Elections Director of Minnesota.

Fun Fact about myself: I am a (secret) stamp collector. I never totally gave up the hobby I began as a boy, and I enjoy rummaging through "stuff" at auctions, antique stores, flea markets, etc to find treasures.

Name: **Pam Potesta**

Position: Campaign Finance Coordinator

Hometown County: Lake

Current County: Marion

Children (and ages): 2 children, ages 27 (boy, married) and 21, girl in L.A.

Favorite Indiana location: Brown County/Nashville Indiana

How long it takes me to get to work: 15 minutes

How long I have been at the Election Division: 4 years and 2 months

Fun Fact about myself: I LOVE my sweet little 3 yr old granddaughter

Name: **Michelle Thompson**

Position: Campaign Finance Coordinator

Hometown County: Marion

Current County: Marion

Children (and ages): a son, 18 & a daughter, 9

Favorite Indiana location: Park County Coverbridge

How long it takes me to get to work: 35 min.

How long I have been at the Election Division: after so many years I quit counting

Fun Fact about myself: I Love (and sell) Longaberger

Name: **Lori Hershberger**

Position: Special Project Coordinator

Hometown County: Fountain

Current County: Fountain

Children (and ages): Amanda 21

Favorite Indiana location: Wallace (home)

How long it takes me to get to work: 1.5 hours

How long I have been at the Election Division: starting my 12th year

Fun Fact about myself: I am "mom" to 5 jack russell terriers and 4 horses - now you know why i show up to work with hay in my hair...

Name: **Candy Mays**

Position: NVRA Clerk

Hometown County: Marion

Current County: Marion

Children (and ages): two sons, ages 29 & 31

Favorite Indiana location: The mall

How long it takes me to get to work: 10 min. on a slow day

How long I have been at the Election Division: 8 years

Fun Fact about myself: I love to shop

Name: **Kristi Robertson**

Position: Co-Director

Hometown County: Sheridan in Hamilton County

Current County: Marion County

Children (and ages): None

Favorite Indiana location: Bloomington

How long it takes me to get to work: 10 minutes

How long I have been at the Election Division: almost 8 years

Fun Fact about myself: I know all the words to my favorite song, Johnny Cash's "Ring of Fire"

Name: **Dale Simmons**

Position: Co-General Counsel

Hometown County: Clinton

Current County: Marion

Children (and ages): None

Favorite Indiana location: Brown County

How long it takes me to get to work: 15 minutes

How long I have been at the Election Division: 3 years, 3 months

Fun Fact about myself: Former band member in the "Racketeers," named for all the racket they made in the garage. Unfortunately for the band (but fortunate for the listening public), the band never made it out of the garage.

CO-DIRECTOR'S REMARKS:

Brad: We're busy at the Election Division these days, and not just in preparing for the May 6, 2003 primary.

The "Help America Vote Act of 2002", which you have heard us discuss first at the December conference, and then at the Northern and Southern District meetings in March, is our major focus now. On one hand, the state legislature considering bills to implement HAVA before it is scheduled to adjourn (no later than April 29). On the other hand, we are working with county election and voter registration officials, as part of a 28 member group representing a variety of interests from voters across the state, to develop Indiana's plan to implement HAVA. You can keep informed about the statewide voter registration system, voting equipment reimbursement, and other HAVA implementation issues by checking out the "Vote Indiana Team" information on our web page: www.in.gov/sos/elections. If you have concerns or questions, please feel free to contact us about them, (and, if you're a clerk or voter registration officer, keep your association officers "in the loop" as well). After the legislature adjourns, and the Vote Indiana Team finishes its planning work in June or July, we expect to have plenty more information to share with you about HAVA implementation issues. If important developments happen in the meantime, be sure to check your fax and email for word from us.

On a personal note, I want to thank each of you for your many kindnesses and words of comfort on the sudden, but peaceful, passing of my 90 year old grandfather on Christmas Day. Your notes, telephone calls, and visits, were a great source of comfort and strength for me and for my family during this very difficult time. I've always thought that Indiana's election community was like a family, and your thoughtfulness has convinced me that this is true.

Kristi: I want to thank Carolyn Horwitz for her work. She was with us a short time, but her talent and willingness to help with various projects made my transition from co-general counsel to co-director much easier. I would also like to welcome back Michelle Brzycki. She did a great job for us previously as Voter Registration and Precinct Mapping Coordinator and I am excited and pleased to have her back.

Once again we will be presenting election night totals on our website this year for the office of mayor. Thanks to the counties for your rapid response to our request for information about any primary you are having and the mayoral candidates involved. Many people around the state look to our website for election night results and we look forward to making this information available for the 2003 primary and municipal elections.

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